



COLORADO
Department of Revenue
Marijuana Enforcement Division

NOTICE OF RULEMAKING HEARING

The State Licensing Authority (“State Licensing Authority”) of the Colorado Department of Revenue, Marijuana Enforcement Division (“Division”), will consider the promulgation of additions and amendments to the State Licensing Authority’s Colorado Marijuana Rules (“Rules”), as authorized by Article XVIII, Section 16 of the Colorado Constitution and the Colorado Marijuana Code, section 44-10-101 *et seq.*, C.R.S. (“Marijuana Code”). For specific information regarding the proposed changes and new rules, please refer to the contents of this Notice and to the [initial proposed rules](#), which are also available on the [Division’s website](#) in addition to details regarding the initial proposed rules, public meetings, and opportunities for public comment.

STATUTORY AUTHORITY FOR RULEMAKING

The State Licensing Authority promulgates these rules pursuant to the authority granted in the Marijuana Code, Article XVIII, Section 16 of the Colorado Constitution, and section 24-4-103, C.R.S., of the state Administrative Procedure Act.

SUBJECT OF RULEMAKING

Pursuant to section 24-4-103(2), C.R.S., the Division will have initiated two (2) public meetings of representative groups of participants with an interest in the subject of the rulemaking (“stakeholder meetings”), the first meeting was on August 31, 2023, additional meeting will be on September 18, 2023, and October 12, 2023. The Division may hold one or more additional stakeholder meetings to ensure adequate time for all interested parties to have public discussion and provide public comments regarding proposed rules. More information related to these meetings can be found on the Division’s website, including meeting agendas, proposed rule revisions, meeting locations and times, and meeting recordings. Each stakeholder meeting was noticed on the Division’s website and the Division sent notification of the meetings to licensees and other stakeholders subscribed to receive updates from the Division. Each stakeholder meeting is open to any member of the public and any attendee is given the opportunity to comment on the specific proposed rule revisions, or any other rule that stakeholders are interested in seeing revisions to.

The Division will retain a record of the initial proposed rules as part of the rulemaking record. The initial proposed rules available on the Division’s website are intended to provide interested persons with the initial proposed drafts of the permanent rules. The Division anticipates the initial proposed rules will be amended during the stakeholder engagement process, based on written comments and any supporting documentation submitted by the

public and based on the Division's internal review. Additional or new rules may also be added.

The Division intends to recommend to the State Licensing Authority for consideration the promulgation of new and amended rules on the subjects outlined below. This list includes implementing legislation passed during the 2023 legislative session (allowing Retail Marijuana Stores to process online payments, renewals while local jurisdiction approval is outstanding, and packaging and labeling rules related to intoxicating cannabinoids); stakeholder recommendations from the Science & Policy Work Forum (a stakeholder forum established by the Division in collaboration with the Colorado Department of Public Health and Environment); rules related to Marijuana Hospitality Businesses, revising and clarifying prior rules; and addressing any other subject matter necessary to implement, interpret, and effectively administer and enforce the Marijuana Code. **This list is not exhaustive, and the State Licensing Authority may consider any additional rule or amendment to any rule.**

Please take note that in addition to the subject matters addressed in the initial proposed rules, the State Licensing Authority will consider additional rules consistent with any subject matter needed to implement and interpret the Colorado Marijuana Code, and Article XVIII, Sections 14 and 16 of the Colorado Constitution. The rulemaking hearing will include, but will not be limited to, presentations on proposed rules to implement legislative changes adopted during the 2023 legislative session.

The final proposed rules will be published on the Division's website on October 23, 2023. Other relevant information regarding this rulemaking also will be posted on the Division's website.

**RULES TO BE CONSIDERED FOR
ADOPTION PURSUANT TO THE MARIJUANA CODE**

Part 1 – GENERAL APPLICABILITY

Rule 1-115 – Definitions

Part 2 – APPLICATION AND LICENSES

Rule 2-220 - Initial Application Requirements for Regulated Marijuana Businesses

2-225 - Renewal Application Requirements for All Licenses

2-265 - Owner and Employee License: License Requirements, Applications, Qualifications, and Privileges (?)

Part 3 – REGULATED MARIJUANA BUSINESS OPERATIONS

Rule 3-110 - Regulated Marijuana Businesses: General Restrictions

3-320 - Contaminated Product

3-330 - Cultivation of Regulated Marijuana: Specific Health and Safety Requirements

3-335 - Production of Regulated Marijuana Concentrate and Regulated Marijuana Products: Specific Health and Safety Requirements - No Revisions - remove?

3-615 - Regulated Marijuana Delivery Permits

3-810 - Minimum Tracking Requirements

3-825 - Medical Marijuana Testing Facilities and Retail Marijuana Testing Facilities Specific Tracking Requirements

3-905 - Business Records Required

3-1005 - Packaging and Labeling: Minimum Requirements Prior to Transfer to a Regulated Marijuana Business, except to a Regulated Marijuana Testing Facility

3-1010 - Packaging and Labeling: General Requirements Prior to Transfer to a Patient or Consumer

3-1015 - Additional Labeling Requirements Prior to Transfer to a Patient or Consumer

Part 4 – REGULATED MARIJUANA TESTING PROGRAM

Rule 4-110 - Regulated Marijuana Testing Program: Sampling Procedures

4-115 - Regulated Marijuana Testing Program: Sampling and Testing Program

4-120 - Regulated Marijuana Testing Program: Contaminant Testing

4-121 - Regulated Marijuana Testing Program: Wet Whole Plant Contaminant Testing

Part 5 – MEDICAL MARIJUANA BUSINESS LICENSE TYPES

Rule 5-105 - Medical Marijuana Store: License Privileges

5-205 - Medical Marijuana Cultivation Facility: License Privileges

5-305 - Medical Marijuana Products Manufacturer: License Privileges

5-405 - Medical Marijuana Testing Facilities: License Privileges

5-410 - Medical Marijuana Testing Facilities: General Limitations or Prohibited Acts

5-420 - Medical Marijuana Testing Facilities: Personnel

5-430 - Medical Marijuana Testing Facilities: Analytical Processes

Part 6 – RETAIL MARIJUANA BUSINESS LICENSE TYPES

Rule 6-105 - Retail Marijuana Store: License Privileges

6-110 - Retail Marijuana Store: General Limitations or Prohibited Acts

6-205 - Retail Marijuana Cultivation Facility: License Privileges

6-305 - Retail Marijuana Products Manufacturer: License Privileges

6-405 - Retail Marijuana Testing Facilities: License Privileges

6-410 - Retail Marijuana Testing Facilities: General Limitations or Prohibited Acts

6-420 - Retail Marijuana Testing Facilities: Personnel

6-425 - Retail Marijuana Testing Facilities: Standard Operating Procedure Manual

6-430 - Retail Marijuana Testing Facilities: Analytical Processes

6-705 - Accelerator Cultivator: License Privileges

6-805 - Accelerator Manufacturer: License Privileges

6-905 - Licensed Hospitality Businesses: General Provisions

6-925 - Retail Marijuana Hospitality and Sales Businesses: Additional License Privileges and Restrictions

6-926 - Retail Marijuana Hospitality and Sales Businesses: Spa Businesses

6-930 - Retail Marijuana Hospitality and Sales Businesses: General Limitations and Prohibited Acts

6-1105 - Accelerator Store: License Privileges

6-1110 - Accelerator Store: General Limitations or Prohibited Acts

Part 8 – ENFORCEMENT AND DISCIPLINE

Rule 8-110 - Requirement for Inspections and Investigations, Searches, Administrative Holds, Voluntary Surrenders and Such Additional Activities as May Become Necessary from Time to Time

8-220 - Administrative Hearings

STATEMENTS OF BASIS AND PURPOSE

For the Marijuana Rules at 1 CCR 212-3, including but not limited to the following:

2-225, 6-926, 8-110, 8-220.

Any other rules necessary to implement the Marijuana Code may be adopted.

RULEMAKING RECORD AND PUBLIC PARTICIPATION

1. **Official Rulemaking Record.** The official record for purposes of this rulemaking proceeding and permanent rulemaking hearing, to be held on **October 30, 2023**, will include the written and recorded materials from the stakeholder meetings and any written comments or oral testimony submitted or presented.
2. **Written Comments.** The Division and State Licensing Authority encourage interested parties to submit written comments on the proposed rules, including alternate proposals, by **October 16, 2023**, which will allow the Division and State Licensing Authority to review comments prior to the rulemaking hearing. However, written comments will also be accepted after that date. **The deadline to submit written comments is 5:00 P.M. on October 30, 2023.**

The State Licensing Authority will accept all comments, but strongly encourages written comments to be submitted on the [Marijuana Enforcement Division Suggested Revision to Rules Form](#). The State Licensing Authority strongly encourages that all rule comments be submitted electronically, however, completed written comments may also be submitted to:

Marijuana Enforcement Division
Re: Rules
1697 Cole Boulevard, Ste. 200
Lakewood, CO 80401

3. **Oral Comments.** The State Licensing Authority may afford interested parties an opportunity to make brief oral presentations at the rulemaking hearing. Oral presentations will likely be limited to three minutes or less per person.

HEARING SCHEDULE

Date: **Monday, October 30, 2023**

Time: **12:00 p.m. – 5:00 p.m.**

* Please note the rulemaking hearing may conclude prior to 5:00 p.m.

Place: **Virtual Zoom Meeting**

Join Zoom Meeting <https://us02web.zoom.us/j/86115519267>

Meeting ID: 861 1551 9267

Call-in option: (719)359-4580

In-Person Option

1707 Cole Blvd, Ste. 300

DOR MED Notice of Rulemaking Hearing

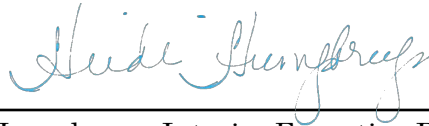
Golden, CO 80401
3rd Floor Red Rocks Conference Room

Additional information regarding the rule hearing will be published on the Division's website. The hearing may be continued at such place and time as the State Licensing Authority may announce. The State Licensing Authority will deliberate upon the rulemaking record, including oral testimony and written comments, presented as well as applicable law. The State Licensing Authority will adopt such rules as in her judgment are justified by the rulemaking record and applicable law.

If you are an individual with a disability who needs reasonable accommodation in order to participate in this rulemaking hearing, please contact Dyann Smart at Dyann.Smart@state.co.us or (303) 866-2625.

Dated this 13th day of September, 2023.

THE COLORADO DEPARTMENT OF REVENUE,
INTERIM EXECUTIVE DIRECTOR/STATE LICENSING
AUTHORITY, MARIJUANA ENFORCEMENT DIVISION



Heidi Humphreys, Interim Executive Director
State Licensing Authority
Colorado Department of Revenue